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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,584	07/02/2001	Roger Kent	38148/26437	2903

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EXAMINER

SNIDER, THERESA T

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 03/27/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/898,584	KENT ET AL.
	Examiner	Art Unit
	Theresa T. Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 35-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 35-69 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3-4,7-8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

- ✓ 1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14 (page 8, line 1) is not in figure 1, as disclosed. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- ✓ 2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “82” has been used to designate both ‘solution tank’(page 10, line 15) and ‘clean water tank’(page 12, line 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

- ✓ Page 9, line 1, ‘A’ should be replaced with ‘The’;
- ✓ Page 11, line 5, ‘the first’ should be replaced with ‘a first’;
- ✓ Line 11, ‘housing’ should be inserted after ‘support’;
- ✓ Line 17, it is unclear as to how ‘conduit 112’ can also be ‘conduit 32’;
- ✓ Line 18, ‘grooves’ should be replaced with ‘groove’;

Line 21, it is unclear as to which element is being referred to in 'top of the cavity'.

Page 12, line 1, 'the pan' should be replaced with 'pan'.

Appropriate correction is required.

4. ✓ The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be amended to reflect the presently claimed/elected invention.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 and 35-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

- ✓ Claim 1 recites a 'carpet cleaning machine' however only recites a 'selection mechanism' with no elements to provide for cleaning.

Claim 3⁹, lines 5, 'liquid discharging' should be inserted after 'first'(second occurrence);

Line 7, 'liquid discharging' should be inserted after 'second'(second occurrence);

Line 9, 'liquid discharging' should be inserted after 'first';

Line 10, 'liquid discharging' should be inserted after 'second'.

Claim 40, line 3, 'liquid discharging' should be inserted after 'first' and 'second'.

Claim 41, line 3, ‘liquid discharging’ should be inserted after ‘first’;

Line 4, ‘liquid discharging’ should be inserted after ‘second’.

Claim 42, line 4, ‘liquid discharging’ should be inserted after ‘first’ and ‘second’;

Line 5, ‘spray nozzle chamber’ should be deleted.

Claim 47, line 5, ‘liquid discharging’ should be inserted after ‘first’;

Line 6, ‘liquid discharging’ should be inserted after ‘second’.

Claim 48, line 3, it is unclear as to whether the ‘selection mechanism’ is in addition to the ‘manually operable indicator’ or one in the same; they seem to perform the same mechanical function.

Claim 49, line 3, ‘liquid discharging’ should be inserted after ‘first’;

Line 4, ‘liquid discharging’ should be inserted after ‘second’.

Claim 50, line 4, ‘liquid discharging’ should be inserted after ‘second’;

Line 4, ‘spray nozzle chamber’ should be deleted.

✓ Claim 54, line 8, it is unclear as to whether the ‘two modes of operation’ are in addition to the ‘deep cleaning mode’ and ‘surface cleaning mode’ of claim 1 or one in the same.

Claim 62, lines 5-8, it is unclear as to whether both nozzles ‘function’ during both cleaning modes of claim 1 or whether one nozzle supports one cleaning mode while the other supports the other cleaning mode.

Claim 66, line 7, is the ‘removal section’ in addition to the ‘extraction section of line 4 or one in the same?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 54 and 66-69 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Armstrong et al..

Armstrong et al. discloses a dual mode-cleaning machine with a selection mechanism to select between a deep cleaning and a surface-cleaning mode (col. 4, lines 52-62).

With respect to claim 54, Armstrong et al. discloses a support housing (fig. 1, #18).

Armstrong et al. discloses a source of liquid on the support housing (col. 4, lines 52-54).

Armstrong et al. discloses a spray nozzle chamber on the housing (fig. 2, dashed line surrounding #88, col. 4, lines 60-62).

With respect to claim 66, Armstrong et al. discloses a support housing (fig. 1, #18).

Armstrong et al. discloses an application and extraction section (fig. 2, #58,88). Armstrong et al. discloses a storage section (col. 4, lines 52-53). Armstrong et al. discloses a removal section (col. 4, line 50).

With respect to claim 67, Armstrong et al. discloses a vacuum nozzle (fig. 1, #38).

Armstrong et al. discloses a brush (fig. 2, #88). Armstrong et al. discloses a motor connected to the brush (col. 4, lines 38-40).

With respect to claim 68, Armstrong et al. discloses a solution tank connected to a solution pump (col. 4, lines 52-55).

With respect to claim 69, Armstrong et al. discloses a vacuum pump (col. 4, lines 50-52). Armstrong et al. discloses a vacuum head in communication with the vacuum pump (fig. 1, #38). Armstrong et al. discloses a removal conduit in fluid communication with the vacuum pump intake (col. 4, lines 47-50). Armstrong et al. discloses a waste recovery tank in communication with the vacuum exhaust (col. 4, line 50).

9. Claims 1, 39-47, 49-59, 62 and 66-69 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lesco et al..

Lesco et al. discloses a dual mode-cleaning machine with a selection mechanism to select between a deep cleaning and a surface-cleaning mode (col. 1, lines 50-59 and col. 3, lines 10-20).

With respect to claim 39, Lesco et al. discloses a support housing with the selection mechanism on the support housing (fig. 1, #2). Lesco et al. discloses a source of liquid on the housing (fig. 1, #8). Lesco et al. discloses first and second liquid discharging jet tips (col. 8, lines 1-8).

With respect to claim 40, Lesco et al. discloses the tips having different liquid discharge flow rates (col. 8, lines 5-8 and col. 6, lines 30-37).

With respect to claim 41, Lesco et al. discloses a first conduit in communication with the first tip and a second conduit in communication with second tip (col. 8, lines 2-5, fig. 1, #30,32,22,21).

With respect to claim 42, Lesco et al. discloses a spray nozzle chamber on the support housing having an interior volume with the tips located therein (fig. 1, #4,10, col. 8, lines 2-5).

With respect to claim 43, Lesco et al. discloses a brush mounted on the support housing adjacent the spray nozzle chamber (fig. 1, #6).

With respect to claim 44, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 45, Lesco et al. discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 46, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

With respect to claim 47, Lesco et al. discloses the selection mechanism including a valve moveable between two positions, one position in communication with the first jet tip and the second position in communication with the second jet tip (col. 8, lines 2-8 and 25-35).

With respect to claim 49, Lesco et al. discloses a first conduit in communication with the first tip and a second conduit in communication with second tip (col. 8, lines 2-5, fig. 1, #30,32,22,21).

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With respect to claim 50, Lesco et al. discloses a spray nozzle chamber on the support housing having an interior volume with the tips located therein (fig. 1, #4,10, col. 8, lines 2-5).

With respect to claim 51, Lesco et al discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 52, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 53, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

With respect to claim 54, Lesco et al. discloses a support housing with the selection mechanism on the support housing (fig. 1, #2). Lesco et al. discloses a source of liquid on the housing (fig. 1, #8). Lesco et al. discloses a spray nozzle chamber on the support housing with the ability to discharge fluid at different flow rates (fig. 1, #4,10, col. 8, lines 2-8 and col. 6, lines 30-37).

With respect to claim 55, Lesco et al. discloses a first and a second conduit in communication with the spray nozzle chamber (col. 8, lines 2-5, fig. 1, #30,32,22,21).

With respect to claim 56, Lesco et al. discloses a source of vacuum pressure on the housing (col. 2, lines 52-55). Lesco et al. discloses a vacuum nozzle in communication with the source of vacuum pressure and positioned adjacent the brush (fig. 1, #12).

With respect to claim 57, Lesco et al. discloses a liquid recovery tank on the support housing, in communication with the source of vacuum pressure and the vacuum nozzle (fig. 1, #14).

With respect to claim 58, Lesco et al. discloses the source of liquid being a solution tank (col. 2, line 43).

With respect to claim 59, Lesco et al. discloses the selection mechanism including a valve moveable between two positions (col. 8, lines 2-8 and 25-35).

With respect to claim 62, Lesco et al. discloses a support housing (fig. 1, #2). Lesco et al. discloses a source of liquid on the housing (fig. 1, #8). Lesco et al. discloses two tips in selective communication with the selection mechanism (fig. 1, #4,10, col. 8, lines 2-8 and col. 6, lines 30-37).

With respect to claim 66, Lesco et al. discloses a support housing (fig. 1, #2). Lesco et al. discloses an application and extraction section (fig. 1, #4). Lesco et al. discloses a storage section (fig. 1, #8). Lesco et al. discloses a removal section (fig. 1, #14).

With respect to claim 67, Lesco et al. discloses a vacuum nozzle (fig. 1, #12). Lesco et al. discloses a brush (fig. 1, #6). Lesco et al. discloses a motor connected to the brush (col. 7, lines 52-60).

With respect to claim 68, Lesco et al. discloses a solution pump (col. 7, lines 61-65). Lesco et al. discloses a solution tank (col. 2, line 43).

With respect to claim 69, Lesco et al. discloses a vacuum pump (col. 2, lines 52-55). Lesco et al. discloses a vacuum head in communication with the vacuum pump (fig. 1, #12). Lesco et al. discloses a removal conduit in fluid communication with the vacuum pump intake

(col. 2, lines 51-52). Lesco et al. discloses a waste recovery tank in communication with the vacuum exhaust (fig. 1, #14).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 2-3 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesco et al. as applied to claim 1 above, and further in view of Kochanowicz et al. and Huffman.

Lesco et al. discloses a similar carpet-cleaning machine however fails to disclose the valve being a ball valve or an indicator.

Lesco et al. discloses the selection mechanism having a valve with a first and second position (col. 8, lines 25-35). Kochanowicz et al. discloses the use of a ball valve in a fluid distribution system (page 5, #9). It would have been obvious to one of ordinary skill in the art to provide the ball valve of Kochanowicz et al. in Lesco et al. to allow for instantaneous switching from one position to the other.

Lesco et al. discloses the selection mechanism having an actuator attached to the valve to move it from the first to the second position (col. 3, lines 10-54).

Huffman discloses a carpet-cleaning machine having an indicator for informing an operator the flow rates of the fluid (abstract). It would have been obvious to one of ordinary skill in the art to provide the indicator of Huffman in Lesco et al. in view of Kochanowicz et al. to allow an operator to visually view the fluid flow.

With respect to claim 3, Lesco et al. discloses a solution pump outlet in fluid communication with the valve (col. 7, line 61-col. 8, line 2). Lesco et al. discloses two sets of nozzles in communication with the valve (col. 8, lines 2-8).

With respect to claims 35-38, it would have been obvious to one of ordinary skill in the art to determine the most appropriate nozzle properties in Lesco et al. in view of Kochanowicz et al. and Huffman to allow for the most effective fluid distribution on a surface to be cleaned.

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14. Claims 48, 60-61 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesco et al..

Lesco et al. discloses a similar carpet-cleaning machine however fails to disclose the valve having a manually operable indicator or the differences in flow rates between the two tips.

It would have been obvious to one of ordinary skill in the art to determine the most appropriate valve actuation means in Lesco et al. to allow an operator to be sure that the valve has been actuated.

With respect to claim 61, Lesco et al. discloses a first conduit in communication with the valve in the first position and a second conduit in communication with the valve in the second position (col. 8, lines 2-5, fig. 1, #30,32,22,21).

With respect to claims 63-64, Lesco et al. discloses a similar carpet-cleaning machine however fails to disclose the percentage differences in flow rates of the two tips. Lesco et al. discloses delivering fluid at different rates (col. 6, lines 30-37 and 66-col. 7, line 5). It would have been obvious to one of ordinary skill in the art to determine the most appropriate flow rate differences in Lesco et al. to allow for the most effective cleaning of the desire area.

With respect to claim 65, Lesco et al. discloses the two tips being able to deliver fluid at different flow rates (col. 8, lines 2-8 and col. 6, lines 30-37).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Theresa T. Snider
Examiner
Art Unit 1744

(TS)

TTS
March 24, 2003